



Case Report

1	Case Number	0270/11
2	Advertiser	Sexpo Pty Ltd
3	Product	Sex Industry
4	Type of Advertisement / media	TV
5	Date of Determination	27/07/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience

DESCRIPTION OF THE ADVERTISEMENT

Various people say they are coming to the Sexpo and we see footage of dancers and attendees of the Sexpo whilst the male voiceover says that adult stars will be there and you could win a car.

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

I was offended by the time that the advert was played. It was played during family time while myself and my husband were watching Extreme Dreams with our children. This is NOT a suitable timeslot for an advertisement of this nature

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

The advertisement in question was factored by CAD and given a PG rating, therefore was eligible for any timeslot.

We do not believe the commercial breaches Section 2 of the AANA Advertiser Code of Ethics in any way.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainants' concerns that the advertisement was inappropriately placed during a family viewing time and that the nature of the advertisement was inappropriate.

The Board reviewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone”.

The Board noted the advertiser’s response that the advertisement complied with Commercial Television Industry Code of Practice and the advertisement was classified with a PG rating and only appears in the appropriate timeslots for the rating given.

The Board noted that the advertisement was to promote the Brisbane Sexpo which was held from 21-24 July 2011. The Board agreed that some members of the community may be more likely offended by the nature of the event itself. The Board considered that the advertisement was not overtly sexualised and did not contain any nudity or inappropriate images.

The Board noted that this advertisement is for a sex related product - a Sex expo - and that mildly sexually suggestive images of both women and men are relevant to that product or service.

The Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach section 2.3 of the Code.

The Board then considered whether the advertisement was in breach of section 2.5 of the Code. Section 2.5 of the Code states: “Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided.”

The Board noted that at the beginning of the advertisement various people are shown saying “I’m coming”. The Board considered that this phrase was used to indicate that these people intended to attend the Sexpo and considered that whilst some members of the community may find the double entendre to be inappropriate, the Board considered the double entendre

was mild and unlikely to be understood by younger viewers and not of itself strong or obscene.

Based on this, the Board determined that the advertisement did not breach section 2.5 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.